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Attorneys for Defendant  
YOSEMITE CAPITAL MANAGEMENT, LLC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MARK S. MOSS, individually and on  
behalf of the Mark S. and Ellen R. Moss  
Family Trust and the Mark S. & Ellen R.  
Moss Charitable Remainder Unitrust;

Plaintiff,

v.

CHARLES MCLUCAS, an individual;  
DAVID M. MAHRT, an individual;  
YOSEMITE CAPITAL MANAGEMENT,  
LLC, a California limited liability  
company; CHARITABLE TRUST  
ADMINISTRATORS, INC., a California  
corporation

Defendants.

**Case No. 12 CV 2368 BEN (KSC)**

**JOINT MOTION TO EXTEND TIME TO  
FILE RESPONSIVE PLEADING PURSUANT  
TO LOCAL RULE 12.1; PROPOSED ORDER**

DEPT: Courtroom 3  
JUDGE: Hon. Roger T. Benitez

Action Filed: September 28, 2012  
Trial Date: None set

1 Defendant YOSEMITE CAPITAL MANAGEMENT, LLC (“YCM”) and Plaintiffs  
 2 MARK S. MOSS, individually and on behalf of the Mark S. and Ellen R. Moss Family Trust and  
 3 the Mark S. & Ellen R. Moss Charitable Remainder Unitrust (collectively “MOSS”) (MOSS and  
 4 YCM are also referred to as the “Parties”) by and through their attorneys of record, hereby jointly  
 5 move the Court for an Order extending the time within which YCM may file a responsive  
 6 pleading to the Complaint filed and served on September 28, 2012. A responsive pleading would  
 7 otherwise be due October 19, 2012. The Parties have agreed that YCM may have up to and  
 8 including November 2, 2012 to file a responsive pleading to the Complaint.

9 Good cause exists for the extension of time. YCM has recently retained counsel. The  
 10 Parties are discussing an Investment Management Agreement which may govern the forum or  
 11 venue of this action.

12 Based upon the foregoing and pursuant to Local Rule 12.1, the Parties request that the  
 13 Court enter the Proposed Order filed concurrently herewith and incorporated in full herein by this  
 14 reference.

15 Respectfully submitted,

16 DATED: October 19, 2012

THE COOPERSMITH LAW FIRM

18 By: /s/

19 STEVEN T. COOPERSMITH  
 ALANNA J. WHITTINGTON

20 Attorneys for Plaintiff  
 MARK MOSS

21 DATED: October 19, 2012

LAW OFFICES OF DANIEL A. KAPLAN

24 By /s/

DANIEL A. KAPLAN

25 Attorney for Plaintiff  
 26 MARK MOSS

1 DATED: October 19, 2012

2 DUCKOR SPRADLING METZGER & WYNNE  
3 A Law Corporation

4 By /s/

5 SCOTT L. METZGER  
6 ANNA F. ROPPO

7 Attorneys for Defendant  
8 YOSEMITE CAPITAL MANAGEMENT, LLC  
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